

REMARKS

By this Amendment, claim 11 is added. Accordingly, claims 1-11 are pending.

The courtesies extended to Applicants' representative by Examiner Sever and his Supervisor SPE Adams at the April 16, 2003 interview, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Applicants gratefully acknowledge that the Office Action indicates that claims 7-9 include allowable subject matter.

I. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1-6 and 10 under 35 U.S.C. §103(a) over U.S. Patent No. 6,254,238 to Takamatsu in view of U.S. Patent No. 6,334,686 to Shiraishi. The rejection is respectfully traversed.

During the April 16 personal interview, the Examiner took the position that Shiraishi only provides a narrow teaching of a 90° bend in projector duct work. However, it is respectfully submitted that one skilled in the art would check the airflow in the entire duct for designing the arrangement of a duct in a projector and would not consider the airflow for a specific part of the duct. Accordingly, it is unnatural and unreasonable to assert that the configuration of a part of the duct of Shiraishi (i.e., 90° bend after the branching shown in Figs. 11 and 14) would have been applied to Takamatsu.

Specifically, the objective of Shiraishi is to divide the cooling air and enhance the cooling ability by generating an air disturbance on the light bulb. The objective of Takamatsu is to discharge the cooling air to the front side of the projector. These two objectives are totally different from one another. Further, the applied references fail to disclose any arrangement for noise reduction as is achieved by the claimed subject matter. Accordingly, there is no motivation for providing a bent portion for changing the direction of

the exhaust flow at approximately 90° in Takamatsu. Furthermore, since Takamatsu discloses a cooling duct 2, even if one skilled in the art would have been motivated to apply the teachings of Shiraishi to the arrangement of Takamatsu, one skilled in the art would modify the cooling duct 2 of Takamatsu, not the exhaust duct 17. Thus, the bent portion changing the direction of the exhaust stream by approximately ninety degrees relative to the direction of the exhaust stream, as recited in claim 1 would not have been achieved.

MPEP §2143.01 instructs that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F. 2d 680, 16 USPQ 2d 1430 (Fed. Cir. 1990)." MPEP §2143.01 further instructs that "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so.'" Applicants respectfully submit that the references do not provide such a suggestion or motivation.

Applicants respectfully submit that the only motivation to piece together the multiple references of the Office Action is found in the Applicants' disclosure. MPEP §2141 instructs that "the references must be viewed without the benefit of impermissible hind sight vision afforded by the claimed invention." MPEP §2143 instructs that "the teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20, USPQ 1438 (Fed. Cir. 1991)." The Federal Circuit has clearly held that "the motivation to combine references cannot come from the invention itself." *Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc.*, 21 F.3d 1068, 30 USPQ 2d 1377 (Fed. Cir. 1993).

Thus, Applicants respectfully submit that the Office Action has not established a *prima facie* case of obviousness and that the rejection under 35 U.S.C. §103(a) should be withdrawn.

II. Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-11 are earnestly solicited.

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,



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